

TRURO PLANNING BOARD AGENDA
TUESDAY, January 19, 2016 – 6:00 pm
Truro Town Hall, 24 Town Hall Road, Truro

Public Comment Period:

The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

6:05 pm Site Plan Review – Public Hearing Continuance

2015-007SPR Maria Kuliopolis seeks approval of a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1.

Approval Not Required Plan

2016-001PB Jeffrey C. Bloomberg seeks determination that plan does not require approval (ANR) for a conveyance that adds to/takes away from and changes the size and shape of lots in such a manner that no lot affected is left without frontage as required under the zoning Bylaw. The property is located at 35 Knowles Heights Road Map 35 Parcel 12.

Temporary Sign Permits

Payomet Performing Arts Center, seeks approval for two Applications for Temporary Sign Permit pursuant to §11 of the Truro Sign Code two (2) Temporary 48" high by 36" wide signs (January 16 – February 15, 2016 and February 15 – March 16, 2016) for various events in two locations (Route 6 at Noons Heights Rd and Route 6 at South Highland Rd).

Continued Discussion on Possible Zoning Articles

Growth Management Bylaw
Temporary Sign Code
Water Resource Protection District

Review and Approval of Meeting Minutes

January 5, 2016 Planning Board Meeting
January 14, 2016 Workshop

Reports from Board Members and Staff

- Scheduling of onsite visit for compliance with site plan decision **2014-003SPR Seaman's Bank**.
- Next steps with adoption of MGL c. 44 §53g
- Other

Meeting Dates and *Other Important Dates:*

- February 2, 2016 – Reg. Meeting
- February 16, 2016 – Reg. Meeting
- March 15, 2016 – Reg. Meeting
- March 29, 2016 – Reg. Meeting
- *Annual Town Meeting Warrant opens*
- *Annual Town Meeting Warrant closes*

Adjourn



TOWN OF TRURO

Planning Department
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
cridley@truro-ma.gov

To: Planning Board
From: Carole Ridley
Date: January 14, 2016
Re: Commercial Site Plan Continuance

2015-007SPR Maria Kuliopulos seeks approval of a Commercial Development Application for Site Plan Review pursuant to §70.3 of the Truro Zoning By-law for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1.

Description

The applicant is seeking to demolish a building containing 19 units damaged by fire, and to reconstruct a replacement building containing 17 units and a hospitality room in the same location. A more detailed narrative describing the applicant's history with this property is attached.

There are no waivers being requested as a part of this application.

This is a continuance of a hearing opened on December 8, 2015. Following the December 8th meeting, a letter was sent to Maria Kuliopolis outlining outstanding issues and requested information. This letter (Ridley, December 11, 2015) is enclosed.

The following information has been provided in response to the letter:

Plans entitled Proposed Plan for Replacement of Fire Damaged Building, White Sands Beach Club, Inc., 706 Shore Road, Truro, Massachusetts by Coastal Engineering company, Inc., 1":20'

Sheet C0.0.1 Title and Locus (dated 10-7-15, revised 11-10-15 and 12-29-15)

Sheet C1.2.1 Plan Showing Existing Site Conditions (dated 10-7-15, revised 11-10-15)

Sheet C2.0.1 Site Demolition Plan (dated 10-7-15, revised 11-10-15 and 12-29-15)

Sheet C2.1.1 Site Layout and Materials Plan (dated 9-16-15, revised 10-28, 11-10 and 12-29-15)

Sheet C2.2.1 Site Grading, Drainage and Utility Plan (dated 10-7-15, revised 10-28, 11-10 and 12-29-15)

Sheet C.2.4.1 Site Details (dated 10-7-15, revised 11-10 and 12-29-15)

Sheet C2.4.2 Sewage System Disposal Modifications (dated 12-29-15)

Drawings provided by Avalon Building Systems for Maria Kuliopulos, 706 Shore Road, Truro, MA, dated 12/28/15 (revised 7/7/15, 7/30/15, 8/5/15, 9/1/15), 1/4"=1', Sheets 1-7

Information about Lighting Fixtures and Placement

Information about Landscape Plantings and Placement

Email from Maria Kuliopolis with additional responses to items identified in the 12/11/15 letter

Property Deed information

Town Staff Comments

Previous Town Staff Comments are provided below with new information underlined.

1. The property is within a barrier beach/coastal dune resource area. The Conservation Commission held a public hearing on November 2, 2015 and approved the project with special conditions (attached).

2. A portion of the property is within Estimated Habitat of Rare Species, which, although not the area of impact, should be shown on plans. (This was included on the revised plans.)

3. The Health Department has identified several action items associated with the project. These are enumerated on the attached memo from Pat Pajaron, November 3, 2015. The applicant is meeting with the Board of Health on January 19, 2016 to review changes to septic system design.

4. The Building Commissioner has indicated that the proposal is consistent with the Agreement for Judgment in the case of White Sands Beach Club Inc. v. Town of Truro Board of Appeals and Building Commissioner, signed July 30, 2015.

5. In a meeting with Chief Collins and Building Commissioner Russ Braun, Chief Collins noted that access for emergency vehicles appears adequate on the plan given lane sizes. However he wanted to visit the site to determine if he has more comments. The need for a dedicated water line to serve the fire suppression system was discussed. Russ Braun noted that the parking provided by the property meets the requirements that were in effect when the project was converted to condominium in the mid 1980's, and therefore adequate parking is provided.

Planning Staff Comments

Site plan review offers a way to shape projects that consist of uses that are allowed under zoning, to ensure that they protect public safety and convenience, and preserve community character and natural resources, and do not overburden local services.

It is recommended that the Board review each of the conditions for site plan approval outlined in section 70.3 and ensure that the project incorporates adequate responses to each applicable condition. These conditions are itemized below and I have provided a staff note for several of the conditions to reflect the status. The review of this list could assist the Board in identifying any potential reasonable conditions it would like to incorporate in a vote on the proposed Site Plan.

Note that the Agreement for Judgment in the case of White Sands Beach Club Inc. v. Town of Truro Board of Appeals and Building Commissioner, signed July 30, 2015 requires that the reconstructed units be rebuilt by October 30, 2016, or current zoning requirements concerning the number of units on the property will apply. Completion of the project by the mandated date could be a reasonable condition of the Board's vote.

Section 70.3 I authorizes the Board to require a performance guarantee of up to 10% of the estimated project costs prior to the commencement of work. Funds would be released upon submission and acceptance of an as built plan in accordance with 70.3 I (2) and 70.3 J. The applicant has indicated that an estimate of project cost is \$750,000.

Board Jurisdiction

§70.3 Commercial Development (Subsections A, F and G are provided below):

Commercial Site Plan Review is required for:

Airy construction, alteration, expansion, or modification of any properties, structures, and uses other than that in one or two family residences and their accessory uses and structures.

All other projects specifically requiring site plan approval or review as stated in other sections of this Zoning Bylaw.

Review Criteria/ Design Guidelines

The Planning Board will review applications and their supporting information based on the following:

1. *The proposal is in conformity with all applicable provisions of the Zoning Bylaw.*
Staff note: The project meets zoning requirements for lot area, frontage, front setback, side and rear setbacks, sign, building height, signage, and parking for motel use.
2. *The proposal provides for the protection of abutting properties and the surrounding area from detrimental site characteristics and from adverse impact from excessive noise, dust, smoke, or vibration higher than levels previously experienced from permitted uses.*
3. *The proposal provides for the protection of adjacent properties and the night sky from intensive lighting, including parking lot and building exterior lighting. Lighting must be consistent with Chapter IV, Section 6 of the General Bylaws of the Town of Truro.*
Staff note: Concerns about noise, light, and litter impacts to abutting properties have been cited in public comment. The Board may wish to consider conditions to address these concerns (limitations on delivery times, request for daily walk around the property to pick up debris, unused items and equipment may not be stored outside, etc.).

Only full cut-off or fully shielded lighting should be used to avoid light trespass on adjacent properties or the night sky. Two of the four proposed fixture types are fully shielded and dark sky compliant. The outdoor pier mount light and outdoor wall lanterns are not. Additionally, LED bulbs are proposed for those fixtures which, while energy efficient, may be excessively bright if not shielded. The plan provided makes it difficult to determine the number and location of fixtures.

4. *The proposal provides for the protection of significant or important natural, historic, or scenic features.*
Staff note: The project will need to comply with the terms of the Order of Conditions issued by the Conservation Commission on November 2, 2016.

5. *The building sites shall minimize obstruction of scenic views from publicly accessible locations; minimize tree, vegetation, and soil removal and grade changes; and maximize open space retention.*

Staff note: While the building meets height requirements under zoning, it represents an increase in height from 12' 3" to 24'. Soil removal and grade changes are not proposed. Only native shrubs, trees, plants and grasses should be used in vegetation, as proposed.

6. *The proposal adequately provides for refuse disposal.*

Staff note: The existing refuse disposal area is to be screened, and the Board may wish to reinforce this term as a condition.

7. *The proposed sewage disposal and water supply systems within and adjacent to the site shall be adequate to serve the proposed use.*

Staff note: The applicant will need to abide by all applicable Board of Health regulations and requirements and is meeting with Board of Health on January 19, 2016 to review septic system design changes. The applicant has indicated that the reduction in the number of units by two will reduce water use on the property. The property will require water service from the Provincetown Water Department. A dedicated water line for domestic water and a dedicated line for the fire suppression system are necessary.

8. *The proposed drainage system within the site shall be adequate to handle the run-off resulting from the development. Drainage run-off from the project shall not: damage any existing wellfield(s) or public water supply; damage adjoining property; overload, silt up or contaminate any marsh, swamp, bog, pond, stream, or other body of water; or interfere with the functioning of any vernal pool.*

9. *A soil erosion plan shall adequately protect all steep slopes within the site and control run-off to adjacent properties and streets both during and after construction.*

Staff note: The project is reducing impervious surface. Conditions 22 and 23 and the construction protocol attached to the Order of Conditions include stormwater management and erosion control requirements (these conditions are in your 12-8-15 meeting packet).

10. *The proposal shall provide for structural and/ or landscaped screening or buffers for storage areas, loading docks, dumpsters, rooftop or other exposed equipment, parking areas, utility buildings and similar features viewed from street frontages and residentially used or zoned premises.*

11. *Buildings and structures within the subject site shall relate harmoniously to each other in architectural style, site location, and building exits and entrances. Building scale, massing, materials, and detailing should be compatible with the surrounding area.*

Staff comment: Sheets 5-7 of the drawings provided by Avalon Building Systems provide front, side and rear elevations. A list of building materials has not been provided. The area has a mix of one- and two-story structures.

12. *Electric, telephone, cable, and other such utility lines and equipment shall be placed underground.*

Staff comment: all utilities will be constructed underground.

13. *The project shall not place excessive demands on Town services.*

Staff comment: the reduction in the number of units should not lead to a greater demand on town services.

14. *The location and number of curb cuts shall be minimized to reduce turning movements and hazardous exits and entrances. Where appropriate and allowable, access to adjoining properties shall be provided. Joint access driveways between adjoining properties shall be encouraged.*

Staff comment: No new curb cuts are proposed.

15. *Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent and other ways serving the project shall be maximized. Traffic patterns for vehicles and pedestrians must show safe and adequate circulation within and access to and from the site.*

Staff comments: Revised plans improve the building's connection to ADA accessible parking spots. Lanes within the parking area are of adequate size. Control of unauthorized parking outside of designated spaces by guests or visitors will be necessary to ensure adequate access for emergency vehicles.

16. A bicycle rack(s) shall be provided on the site and shall be located near the entrance to the building(s).

G. Findings of the Planning Board

The concurring vote of four members of the Planning Board shall approve a Commercial Site Plan in the form submitted or with reasonable conditions, unless it finds that (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the Zoning By-law.

Board Vote Options

Move to approve the Application for Commercial Development Site Plan Review for Maria Kuliopulos, (Case #2015-007SPR) pursuant to §70.3 of the Truro Zoning By-law for the for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1. This is based on the fact that the review criteria/design guidelines in §70.3.F have been satisfied.

Move to approve the Application for Commercial Development Site Plan Review for Maria Kuliopulos, (Case #2015-007SPR) with conditions pursuant to §70.3 of the Truro Zoning By-law for the for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1. [Need to indicated conditions] This is based on the fact that with the imposed conditions, the review criteria/design guidelines in §70.3.F have been satisfied.

Move to not approve the Application for Commercial Development Site Plan Review for Maria Kuliopulos, (Case #2015-007SPR) pursuant to §70.3 of the Truro Zoning By-law for the for demolition of a building containing 19 motel units damaged by fire and reconstruction of a replacement building containing 17 rentable units and a hospitality room in the same location. The property is located at 706 Shore Road, White Sands Beach Club, Atlas Map1 Parcel 1 based on the finding that (need to choose one of more of the following): (a) the application for site plan approval is incomplete, or (b) the imposition of reasonable conditions will not ensure that the project will conform to the standards and criteria described herein, or (c) the project does not comply with the requirements of the zoning bylaw.



TOWN OF TRURO

P.O. Box 2030, Truro, MA 02666

Tel: (508) 349-7004, Ext. 27

Fax: (508) 349-5505

critley@truro-ma.gov

Sent Via Email and USMail

December 11, 2015

M.s Maria Kuliopulos
P.O. Box 611
Provincetown, MA 02659

Re: 706 Shore Road, Truro
2015-007 Commercial Development Site Plan Review

Dear Ms. Kuliopulos:

On December 8th, the Planning Board voted to continue the public hearing on the above referenced application to Tuesday, January 19, 2016, at Truro Town Hall. The purpose of the continuance is to afford time for you to provide the Board with additional information to assist in their deliberation. The purpose of this letter is to summarize the comments and information requested by the Planning Board in order to continue the hearing.

1. Condominium Status

Please provide clarification on property's condominium status. You indicated that there are condominium documents for the property, but it is used as a motel. Please provide a copy of applicable condominium documents, and indicate whether any of the units have been sold or marketed to individual owners, or if there is a plan to do so.

2. Unit Status

Please respond to comments from the Health Department (Pajaron memo, November 3, 2015) regarding the status of the units as motel/rooming units versus dwelling units. The memo indicates that under the new floor plan the units fit the definition of dwelling unit rather than motel /rooming unit.

3. Parking

There were several comments about parking on the site. In response, please:

- a) Please demonstrate that the spaces provided comply with the parking requirements for a motel: 2 spaces per owner/manager, 1.25 spaces per unit, and 1.5 spaces per 20 sf of floor area available for meetings or functions;
- b) If, per (1) and (2) above, the units fit the definition of a dwelling unit and the property is a condominium such that the units could be sold to individuals, then the Board may wish to see that there are two (2) parking spaces per dwelling unit;
- c) Show on the plan that the handi-capped parking space will be fully ADA compliant;
- d) Show on the plan where the existing grassed area will be returned to parking.

4. Height and Setbacks

The project will add a second story to the rebuilt building, increasing height from 12' 3" to 24', with a 10' 4" set back to abutting property on the western boundary. It was commented that decks on the second floor units would increase impacts to abutters, such as noise and littering. Please demonstrate that the

second story structures, including decks, do not encroach on the 10' setback. What provisions are proposed to limit impacts to abutters?

It was noted that there are items currently stored along the western property line. No items may be stored within the setback area. Please indicate the provisions proposed to remove items along the western property line (ie, by when will these items be removed, and where will these items be stored on the property?)

5. Unfinished Roof Repair

A roof repair on the eastern building has been unfinished for an extended period of time, and is visible to abutting properties, businesses and passersby. The Board must be convinced that the property is compliant with applicable codes and the zoning bylaw. Therefore, the Board may include completion of this work as a condition of its approval.

6. Budget and Timeline for Proposed Work

Please provide the construction budget for the proposed work, and the time frame under which it would be completed, in accordance with §70.3.D 3.f Project Estimate and Timeline. The informal response you provided of \$546,000 has not been substantiated and seems low for the proposed work. If that is the proposed budget, the Board will want to see a second estimate.

7. Landscaping Plan

§70.3.D 3.d. requires identification and location and landscape schedule of all perimeter and interior landscaping, including but not limited to: proposed paving materials for walkways, stonewalls, fences, and all planting material to be placed on the site. Plan should show existing trees over 6 inches at breast height (DBH) to be saved or removed should be indicated. Any landscaping should be shown on the plan in tabular form showing the amount required by the zoning bylaw and the amount provided.

8. Lighting

§70.3.D 3.c.12 requires that the plan should identify all proposed illumination, indicating the direction and degree of illumination offered by proposed lighting facilities and including specifications of the light fixtures to be used.

9. Fire Department with emergency access

The Board want to see written confirmation that the Fire Department is satisfied with access for emergency vehicles afforded on the site, and any other related concerns the Department may have.

10. Water Use

It was requested that you provide information on average proposed water use and evidence that the proposed water use is permissible by the Town of Truro and Provincetown Water and Sewer Commission

In general, please be prepared to demonstrate how the proposal meets the Review Criteria/Design Guidelines set forth in for site plan review listed in §70.3.F.

Any new or additional information must be filed with the Town Clerk no later than **Tuesday, January 5th**. Anything filed after that date may result in a further continuance of the public hearing.

Thank you in advance for your attention to the additional request for information. If you have any questions or comments, please do not hesitate to contact me.

Respectfully,



Carole Ridley
Planning Consultant

cc: Martin Donoghue, Coastal Engineering
(via email)
Town Clerk (via email)
Building Commissioner (via email)
Health/Conservation Agent (via email)
Lisa Maria Tobia, Chair
Rae Ann Palmer, Town Administrator

White Sands

Reggie Donoghue <rdonoghue@coastalengineeringcompany.com>

Thu 1/14/2016 8:03 AM

To: Carole Ridley <cridley@truro-ma.gov>;

Cc: maria kuliopulos <beachfrontwhitesands@gmail.com>;

Carole,

The revisions to the site plan include modifying the proposed parking to relocate one of the accessible spaces to a location adjacent to the motel office and provide walkways connecting the accessible spaces, and an accessible walkway to the pool area.

If you have any questions, please feel free to contact me.

Reggie

Martin R. Donoghue, PE, LEED AP BD&C

Senior Project Manager

Coastal Engineering Company, Inc.

260 Cranberry Highway, Orleans, MA 02653 Phone 508-255-6511 ext. 354

www.CoastalEngineeringCompany.com

INADVERTENT DISCLOSURE –

The information contained in this e-mail is confidential and privileged, intended for the sole use of the addressee. Unauthorized use, distribution, copying or disclosure of this information is prohibited. If you are not the addressee and have inadvertently received this communication, please contact the sender at (508) 255-6511.

Re: Planning board

Maria Kuldip pulls <beachfrontwhitesands@gmail.com>

Thu 1/14/2016 12:12 PM

To: Carole Ridley <cridley@truro-ma.gov>;

Dear Carole,

I will try to answer the points in your letter as best as I can.

1. I asked Reggie ,from Coastal to forward you the Deed that they got from the registry
Before they commenced work. None of the condo units have been sold and we are the
Only owners.
2. These are motel units by definition and not independent units. We are licensed as a motel.
4. The set backs meet the guide lines as well as the height. The decks are only 4 feet wide
And are not conducive to large parties.the people who would rent these units are families
That come to the cape to relax. If they have a family gathering, it is usually by the pool
Where there is a BB set up.
Items stored in the back of the building were used to close up the openings for the
Winter and the screens were used to screen the openings in the summer. These will
Be taken away with the demolition.
5. I will address the unfinished roof line with the building commissioner within the next
2 years and after finishing the project at hand.
6. The budget is an estimated one at this time to about 750 K
7. See landscaping plan by Jonathan Rice.
8. See lighting plan by Diane Evers.
- 9 fire chief will address the suspension system. There is a water line on the site plan that
Will be dedicated for the suppression system.
- 10 the water use will be 2 units less than before ,since the rentable units are reduced by 2.

Above all I want to emphasize that we are trying to upgrade the motel units and be able
This way to attract a better clientele that will be beneficial to the town , the neighbors and
To our business. For this reason ,I would request that the grassed area in front remains as
Such and still be dedicated to parking.

Sent from my iPad

> On Jan 13, 2016, at 4:03 PM, Carole Ridley <cridley@truro-ma.gov> wrote:

>
> Maria -
>
> On December 11th I sent you a letter outlining ten items that required additional explanation or information in order for the Planning Board to have adequate information to continue the Site Plan Review hearing. To date our office has provided the following:
>
> 1. Revised plans, sheets 1-7, noting general revisions and additional septic information, presumably addressing items 2 & 3
> 2. Revised unit plans, presumably addressing item 2
> 3. A list of plant species and a plan showing the location of plantings, presumably addressing item 7
>
> In addition, I received a phone call from you on December 31st indicating that you had spoken with Chief Collins about fire equipment access. I also spoke with Chief Collins and Russ Braun about fire equipment access, and the need for a dedicated water line to serve a fire suppression system. This information addresses item 9.
>
> To date the following items in the letter have not been addressed: 1, 4, 5, 6, 8 and 10. The December 11th letter provided a deadline of January 5th for this information. In consideration of your application, please provide any additional information responding to these items to the Planning Department Office tomorrow, January 14, in order to ensure that a further continuance will not be required.
>
> Please feel free to contact me at the number below with any questions. On January 14th I will be in the Planning Department Office from 11 am till 4 pm.
>
> Thank you,
> Carole Ridley
> 508-221-8941
> _____
> From: Carole Ridley
> Sent: Friday, December 11, 2015 10:25 AM
> To: Maria Kuldip pulls
> Cc: Russ Braun; lisamariatobia@gmail.com; Cynthia Slade; Pat Pajaron; Rae Ann Palmer; rdonoghue@coastalengineeringcompany.com
> Subject: Re: Planning board
>
> Maria -
>
> Attached to this email is a letter outlining issues and request for information that came up at the 12/8 Planning Board meeting. Please note that any updated plans and additional information should be submitted to the Town Clerk by January 5th for the January 19th Board meeting.
>
> Please contact me if you have any questions.
>
> Thanks,
> Carole
> _____
> From: Maria Kuldip pulls <beachfrontwhitesands@gmail.com>
> Sent: Thursday, December 10, 2015 8:20 AM
> To: Carole Ridley
> Subject: Planning board
>

- > Dear Carole,
- > I would like to set a time today to talk to you about the recent planning board meeting.
- > Thanks
- > Maria
- >
- > Sent from my iPad

Noelle Scoullar

From: Debra Sverid <sverid@comcast.net>
Sent: Wednesday, January 13, 2016 9:46 PM
To: Noelle Scoullar
Subject: please forward this email for January 19 planning board meeting to Lisa Maria Tobia

Hi Noelle,

Would you please make sure Lisa Maria Tobia gets this for the planning board meeting for January 19th?

Thank you in advance,
Scott & Deb Sverid

Dear Lisa Maria Tobia and Members of the Planning Board;

We are writing to you because we are presently out of town not able to attend the Planning Board meeting of January 19th, regarding the proposed project at the White Sand property located at 702 Beach Point Rt 6a.

Our concerns still remain the same;

1. We feel this will become yet another unfinished project that ends up in litigation.
2. The White Sands should be forced to finish already started project on that property that remain an eye sore, prior to new projects being permitted.
3. The condominium issues should be looked at very seriously.
4. The number of units are in discrepancy, in accordance with their condo permits.
5. The correct number of parking spaces for the condominium has been changed over the years.
6. The proposed two story unit #1-#39, should remain the same 1 story foot print as prior to the fire.

Lastly, being abutters on both, the side and across the street, this property is an eye sore, not only for us, but for the town.

This is property is a disgrace to all who have to look at it.

We are trying to make an honest living on beach point and remain positive, but with neighbors like the White Sands, it get more difficult with every change that happens there.

Thank you,

Deb & Scott Sverid

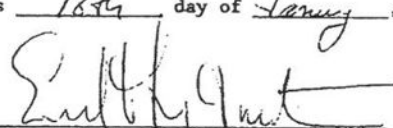
RELEASE DEED

Edward F. Simpson, as he is Trustee of the Bostonian Financial Trust under declaration of trust dated August 30, 1984 and recorded in the Barnstable County Registry of Deeds in Book 4244, page 115, for consideration of \$1.00 paid, hereby grants to White Sands Beach Club, Inc. d/b/a Buccaneer Condominium, all right, title and interest in and to the land in ~~Bourne~~ ^{Truro} Barnstable County, Massachusetts, bounded and described as follows:

Unit Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 51, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79 and 80 of Buccaneer Condominium, Route 6A, Truro, Barnstable County, Massachusetts being conveyed by Deed to Edward F. Simpson, Trustee of the Bostonian Financial Trust, on or about May 18, 1988 and recorded with the Barnstable County Registry of Deeds in Book 6264, page 179.

This Deed is given to confirm title conveyed by foreclosure deed of Sandwich Co-operative Bank dated June 21, 1990 and recorded with the Barnstable County Registry of Deeds in Book 7204, page 13, it being the intention of the grantor herein to release any or all claims or interest which the said grantor may have arising out of the failure of the foreclosing mortgagee to comply with the provisions of the Soliders' and Sailors' Civil Relief of 1940, as amended (the "Act") prior to the commencement and conclusion of the subject foreclosure sale. The grantor hereby certifies that he is not now, nor at the time of said foreclosure sale in the military service or entitled to the benefits of the Act.

Executed under seal as of this 18th day of January, 1991.


Edward F. Simpson, Trustee of
the Bostonian Financial Trust

GA 176 A, TRURO

7904
13

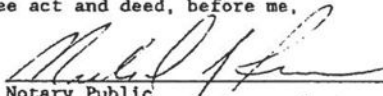
TRUR

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

January 18, 1991

Then personally appeared the above-named Edward F. Simpson, trustee of the Bostonian Financial Trust and acknowledged the foregoing instrument to be his free act and deed, before me,


Notary Public
My commission expires 9/5/91

6546.AG4

RECORDED
FEB 15 1991
MASSACHUSETTS
RECORDING DEPARTMENT

RECORDED FEB 15 91

6546-13

Foreclosure Deed

Sandwich Co-operative Bank, a banking corporation organized under the laws of the Commonwealth of Massachusetts and having its usual place of business at 100 Old King's Highway, Sandwich, Massachusetts 02563, holder of a mortgage from Edward F. Simpson, as he is trustee of Bostonian Financial Trust under a declaration of trust dated August 30, 1984 and recorded with Barnstable County Registry of Deeds in Book 4244, page 115 to said Sandwich Co-operative Bank dated May 18, 1988 and recorded with said Deeds in Book 6264, page 186, by power conferred in said mortgage and every other power for consideration of \$900,000 paid, grants to The White Sands Beach Club, Inc., a Massachusetts corporation with a usual place of business at Route 6A, North Truro, Massachusetts 02666 the premises conveyed by said mortgage.

Executed under seal as of this twenty-first day of June, 1990.

SANDWICH CO-OPERATIVE BANK

By: *James P. Kraskouskas*

James P. Kraskouskas, its Senior Vice President, duly authorized

Commonwealth of Massachusetts
Barnstable, ss

June 21, 1990

Then personally appeared the above-named James P. Kraskouskas, its Senior Vice President, and acknowledged the foregoing instrument to be the free act and deed of Sandwich Co-operative Bank, before me,

Peter W. Wisniewski
Peter Wisniewski, Notary Public
My commission expires July 2, 1991



TAX 3078.00
CHCK 3078.00
0015A000 15:25
EXCISE TAX

DEEDS 01
BARNSTABLE
06/22/90

CANCELLED

31417



E 1 5 9 0 0



2 1 5 9



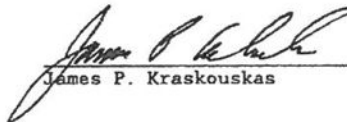
0 0 6 5 1 4

Affidavit of Sale

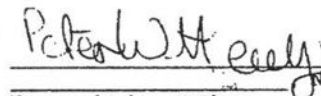
James P. Kraskouskas, Senior Vice President of Sandwich Co-operative Bank, named in the foregoing deed, make oath and say that the principal and interest obligations mentioned in the mortgage referred to in said Foreclosure Deed were not paid or tendered or performed when due or prior to the sale, and that I published on the thirtieth day of March and the sixth and thirteenth days of April, 1989 in the Cape Codder, a newspaper published in Orleans, Barnstable County, Massachusetts and having a circulation in Truro, Barnstable County, Massachusetts a true copy of which notice is attached hereto as Appendix "A".

I also complied with Chapter 244, Section 14 of Massachusetts General Laws, as amended, by mailing the required notices, certified mail, return receipt requested.

Pursuant to said notice at the time and place therein appointed the sale was postponed by public proclamation to June 1, 1990 at 12:00 noon upon the mortgaged premises, at which time and place upon the mortgaged premises the sale was postponed by public proclamation to June 19, 1990 at 4:00 p.m. upon the mortgaged premises, at which time and place upon the mortgaged premises I sold the mortgaged premises at public auction by Jerome J. Manning Co., Inc., an auctioneer, to The White Sands Beach Club, Inc. a Massachusetts corporation with a usual place of business at Route 6A, North Truro, Massachusetts 02666 above named, for consideration of \$900,000 bid by said White Sands Beach Club, Inc. being the highest bid made therefor at said auction.


James P. Kraskouskas

Signed and sworn to by the said James P. Kraskouskas, June 21, 1990, before me,


Notary Public
My commission expires



Appendix "A"

The Cape Codder

Friday, March 30, 1990

MORTGAGEE'S SALE OF REAL ESTATE

By writ of foreclosure in execution of the Power of Sale contained in a certain mortgage given by Edward F. Simpson, as he is trustee of Bostonian Financial Trust to Sandwich Co-operative Bank dated May 18, 1989 and recorded with the Barnstable County Registry of Deeds in Book 6284, page 188, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 12:00 noon on Friday, the twentieth (20th) day of April, 1990, on the mortgaged premises now known as the Buddinger Condominium, Route 8A, Truro, Barnstable County, Massachusetts 02668, all/singular the premises described in said Mortgage:

That certain parcel of land with the buildings thereon situated in the Town of Truro, Barnstable County, bounded and described as follows:

Northeasterly by the Southernly side of Route 8A, a public way, situated in the Town of Truro, Massachusetts, a distance of three hundred fifty and 38/100 (350.38) feet, more or less;

Southeasterly by land now or formerly of Robert S. Swerd at ux, in two courses, a total distance of four hundred forty-one and 72/100 (441.72) feet, more or less;

Southeasterly by land now or formerly of said Swerd, a distance of five and 60/100 (5.60) feet, more or less;

Southeasterly by land of said Swerd, a distance of one hundred twenty-four and 51/100 (124.51) feet;

Westerly by land now or formerly of the Beach Point Club, Inc., a distance of six hundred seventy-four and 38/100 (674.38) feet, more or less.

Being shown on a plan of land entitled "Buccanear Condominium Master Deed Plan in Truro, MA prepared for: Bostonian Investment Trust, Sotheby's, Feb. 25, 1989, Kingsbury Surveying Co., Inc., 10 Powderham Way, Sandwich, MA", which plan is duly recorded in Plan Book 415, page 57, Barnstable County Registry of Deeds.

The above described premises are subject to an easement running in favor of Robert F. Swerd at ux dated May 24, 1989, duly recorded in deed Book 4548, Page 125, Barnstable County Registry of Deeds.

The above described premises have the benefit and burden of certain stipulations duly recorded in deed Book 1841, page 55, and deed Book 1860, page 325, Barnstable County Registry of Deeds.

See Buccanear Condominium Master Deed plan recorded in the Barnstable County Registry of Deeds in Plan Book 415, Page 57.

Being the same premises as described in the deed from Edward F. Simpson, Trustee of Truro Investment Trust to Edward F. Simpson, Trustee of Bostonian Financial Trust dated May 18, 1989, and recorded herewith at the Barnstable County Registry of Deeds.

Said premises will be sold subject to all above and to all restrictions, easements, improvements, attachments, outstanding tax liens, municipal or public taxes, assessments, liens or claims in the nature of liens, and existing encumbrances of record, if there be any, and all encumbrances of record which are prior to said mortgage.

Twenty-Five Thousand (\$25,000.00) Dollars will be required to be paid in cash or by certified or bank treasurer's or cashier's check by the purchaser at the time and place of sale as earnest money to be held at the option of the mortgagee as liquidated damages for any breach by the buyer. The balance is to be paid in cash or by certified or bank treasurer's or cashier's check within twenty-five (25) days thereafter to be deposited in escrow with the firm of Kays, Fallow, Richmond & Rothstein at 100 Federal Street, Boston, Massachusetts 02110. The deed is to be delivered within twenty-five (25) days from the date of sale.

Other terms, if any, to be announced at sale.

Sandwich Co-operative Bank
Holder of said mortgage
100 Old King's Highway
Post Office Box
Sandwich, Massachusetts
James T. Kingsbury
Senior Vice President
Telephone (508) 888-0228

Peter Wittenberg
Attorney for Mortgagees
Kays, Fallow, Richmond & Rothstein
100 Federal Street
Boston, MA 02110
Telephone (617) 482-0300
(30A,13)

.BD6

RECORDED JUN 22 90

Noelle Scoullar

From: Debra Sverid <sverid@comcast.net>
Sent: Wednesday, January 13, 2016 9:46 PM
To: Noelle Scoullar
Subject: please forward this email for January 19 planning board meeting to Lisa Maria Tobia

Hi Noelle,

Would you please make sure Lisa Maria Tobia gets this for the planning board meeting for January 19th?

Thank you in advance,
Scott & Deb Sverid

Dear Lisa Maria Tobia and Members of the Planning Board;

We are writing to you because we are presently out of town not able to attend the Planning Board meeting of January 19th, regarding the proposed project at the White Sand property located at 702 Beach Point Rt 6a.

Our concerns still remain the same;

1. We feel this will become yet another unfinished project that ends up in litigation.
2. The White Sands should be forced to finish already started project on that property that remain an eye sore, prior to new projects being permitted.
3. The condominium issues should be looked at very seriously.
4. The number of units are in discrepancy, in accordance with their condo permits.
5. The correct number of parking spaces for the condominium has been changed over the years.
6. The proposed two story unit #1-#39, should remain the same 1 story foot print as prior to the fire.

Lastly, being abutters on both, the side and across the street, this property is an eye sore, not only for us, but for the town.

This is property is a disgrace to all who have to look at it.

We are trying to make an honest living on beach point and remain positive, but with neighbors like the White Sands, it get more difficult with every change that happens there.

Thank you,

Deb & Scott Sverid

White Sands Beach Club Hearing

Judith Edsal <jedsal@aol.com>

Tue 12/8/2015 4:37 PM

To: Carole Ridley <cr Ridley@truro-ma.gov>;

Truro Planning Board Members,

I have been an abutter of the White Sands Resort for 49 plus years.

I am concerned about this request to rebuild because past requests have usually pushed the envelope to exceed the original submitted plan. I just do not trust them

If the Board approves this request I would want to include measures that would assure that only the approved plan be implemented.

This property has been an eyesore long before the fire. If the Board does not approve the plan, perhaps some action could take place to clean up the property.

Judith Edsal

945 Commercial st. #1c

Providence town, MA. 02657

10134 Regal dr.

Largo, FL. 33774

Sent from my iPad

RE: White Sands 706 Shore Road

Russ Braun

Tue 12/29/2015 3:58 PM

To: Carole Ridley <cridley@truro-ma.gov>; Tim Collins <TCollins@truro-ma.gov>;

Carole

Just so the Planning Board isn't confused – the need for sprinklers is not specifically a site plan issue. What is a site plan issue is the need to bring a new water line across Shore Rd to service the sprinklers. The location of the Fire Department connection will also be handled during the building permit stage.

Russell Braun
Building Commissioner

508-349-7004 Ext 33

From: Carole Ridley
Sent: Tuesday, December 29, 2015 1:57 PM
To: Tim Collins <TCollins@truro-ma.gov>
Cc: Russ Braun <rbbraun@truro-ma.gov>
Subject: White Sands 706 Shore Road

Hi Tim-

You may know that White Sands resort is seeking a Site Plan approval to rebuild the portion of the property damaged by fire. At the 12/8 Planning Board meeting, the Board asked Maria Kuliopulos to review the proposed site plan with you, to make sure you felt that it would accommodate emergency vehicle access, even with a full parking lot, and to identify any other comments or concerns you may have.

Maria called me today and said that she has met with or spoken to you and that you did not have concerns about emergency vehicle access but that you had raised a question about sprinklers. It would be most helpful if you could reply to this email with whatever comments, concerns or questions you told Maria, so that I have a complete and accurate summary of your input for the Board. Please feel free to call me to discuss (508-221-8941).

Many Thanks,
Carole



TOWN OF TRURO

Charleen L. Greenhalgh, ATA/Planner
P.O. Box 2030, Truro, MA 02666
Tel: (508) 349-7004, Ext. 27 Fax: (508) 349-5505
assttownadm@truro-ma.gov

January 14, 2016

To: Planning Board

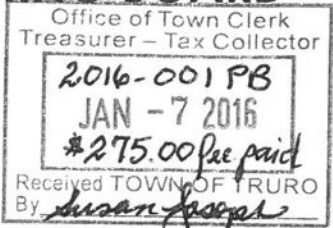
From: Carole Ridley

Re: 2016-001 Application for ANR
Jeffrey C. Bloomberg – 35 Knowles Heights Road

Enclosed please find a copy of an application and plan for an Approval Not Required plan for property located at 35 Knowles Heights Road, (Map 35, Parcel 12). This is a conveyance of Lot 15 to be combined with Lot 9 as shown on the plan.

The Board does not need to open this as a public hearing. The Chair simply has to read into the record that this is before the Board. The application was filed on January 7, 2016; therefore, Board action, if any, is required by **January 28, 2016**. The Board has four options available:

1. Vote to determine that Knowles Heights Road, shown as Knowles Road on the ANR plan, provides safe and adequate access and to endorse the Plan of Land in Truro, Massachusetts, as Surveyed and Prepared for Jeffrey C. Bloomberg and Steven S. Fischman as Trustees of the Jeffrey C. Bloomberg Family Trust, dated January 5, 2016, Prepared by Slade Associates, Inc. signed by the RLS on **date** at 1"= 30', as Approval Not Required, and to file said decision with the Town Clerk.
2. Deny endorsement of the plan stating the reason(s) for such denial and recording said decision with the Town Clerk.
3. Allow the applicant or the representative to request a withdrawal without prejudice of the application.
4. The Board can simply take no action and following the expiration of the 21-days; the Town Clerk certifies and signs the plan.



Form A
APPLICATION FOR DETERMINATION THAT
PLAN DOES NOT REQUIRE APPROVAL (ANR)

Date: JAN. 6, 2016

To The Planning Board of the Town of Truro Massachusetts,

The undersigned owners of all the land described herein submitted the accompanying plan entitled:

Plan of Land in Truro Being a Subdivision of Lot 10 as Shown On L.C.P. No. 23074E
 and dated Jan. 5, 2016, requests a determination and endorsement by said Board that
 approval by it under the Subdivision Control Law is not required.

Property Location: 35 Knowles Heights Road Map(s) and Parcel(s): 35 - 12

Number of Lots Created: no new buildable lots** Total Land Area: 71,222 sq. ft. +/-

** adjustment of property lines

The owner's title to said land is derived under deed from Stanton W. Putnam,

dated Jan. 30, 2007, and recorded in the Barnstable Registry of Deeds Book and Page: _____

or Land Court Certificate of Title No. 182268 registered in Barnstable County.

The undersigned believes that such approval is not required for the following reasons: *(Check as appropriate)*

- ☐ The accompanying plan is not a subdivision because the plan does not show a division of land.
- ☐ The division of the tract of land shown on the accompanying plan is not a subdivision because every lot shown on the plan has frontage of at least such distance as is presently required by the Truro zoning by-law under Section 50.1 (A) which requires 150 feet for erection of a building on such lot; and every lot shown on the plan has such frontage on:
- ☐ a public way or way which the Town Clerk certifies is maintained and used as a public way, namely _____, or
- ☐ a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, namely _____ on _____ and subject to the following conditions _____; or
- ☐ a private way in existence on December 8, 1955, the date when the subdivision control law became effective in the Town of Truro having, in the opinion of the Planning Board, sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon, namely _____.

☒ The division of the tract of land shown on the accompanying plan is not a subdivision because it shows a proposed conveyance other instrument, namely Lot 15 to be combined with Lot 9 which adds to/takes away from changes the size and shape of lots in such a manner that no lot affected is left without frontage as required by the Truro zoning bylaw under Section 50.1 (A), which requires 150 feet

☐ The division of the tract of land shown on the accompanying plan is not a subdivision because two or more buildings, specifically _____ buildings were standing on the property prior to December 8, 1955 the date when the subdivision control law went into effect in the Town of Truro and one of such buildings remains standing on each of the lots said buildings as shown and located on the accompanying plan. Evidence of the existence of such buildings prior to the effective date of the subdivision control law as follows:

☐ Other reasons or comments: (See M.G.L., c.41, §81-L)

All other information as required in the Rules and Regulations Governing the Subdivision of Land and Site Plans shall be submitted as part of the application.

Jeffrey C. Bloomberg
(Printed Name of Owner)

Jeffrey C. Bloomberg, Trustee
(Signature)

(Printed Name of Owner)

(Signature)

37 Cedar Road
Chestnut Hill, MA 02467
(Address of Owner(s))

(Address of Owner(s))

Richard F. Lay, RLS
(Printed Name of Agent)

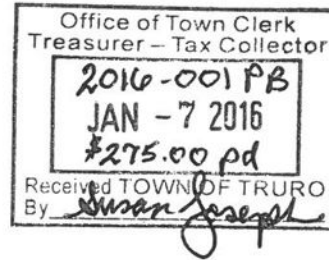
Richard F. Lay
(Signature)

Slade Associates, Inc., PO Box 592, Wellfleet, MA 02667
(Address of Agent)

File twelve (12) copies each of this form and applicable plan(s) with the Town Clerk

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 35, Parcel 12
(Bloomberg)

- 2 Copies of Form A Planning Board Application
- 12 Copies of ANR plan #2016-1
- 1 Check in the amount of \$275.00



Truro Town Clerk
January 7, 2016

SLADE ASSOCIATES INC.
REGISTERED LAND SURVEYORS
P. O. BOX 592
WELLFLEET, MASS. 02667
508-349-3110

| REMITTANCE ADVICE |
|-------------------|
| BLOOMBERG - ANR |
| |
| |
| |

53-7107-2113
18429

| | | |
|--|--------------------------------------|-----------|
| PAY <i>Two Hundred Seventy Five and no/100</i> | | DOLLARS |
| DATE <i>1/7/16</i> | TO THE ORDER OF <i>Town of Truro</i> | CHECK NO. |
| DESCRIPTION | | |

CHECK AMOUNT Security Features Included Details on Back
\$ *275.00*

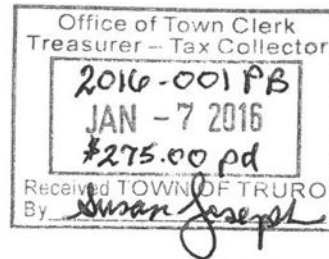


Jayce Davis

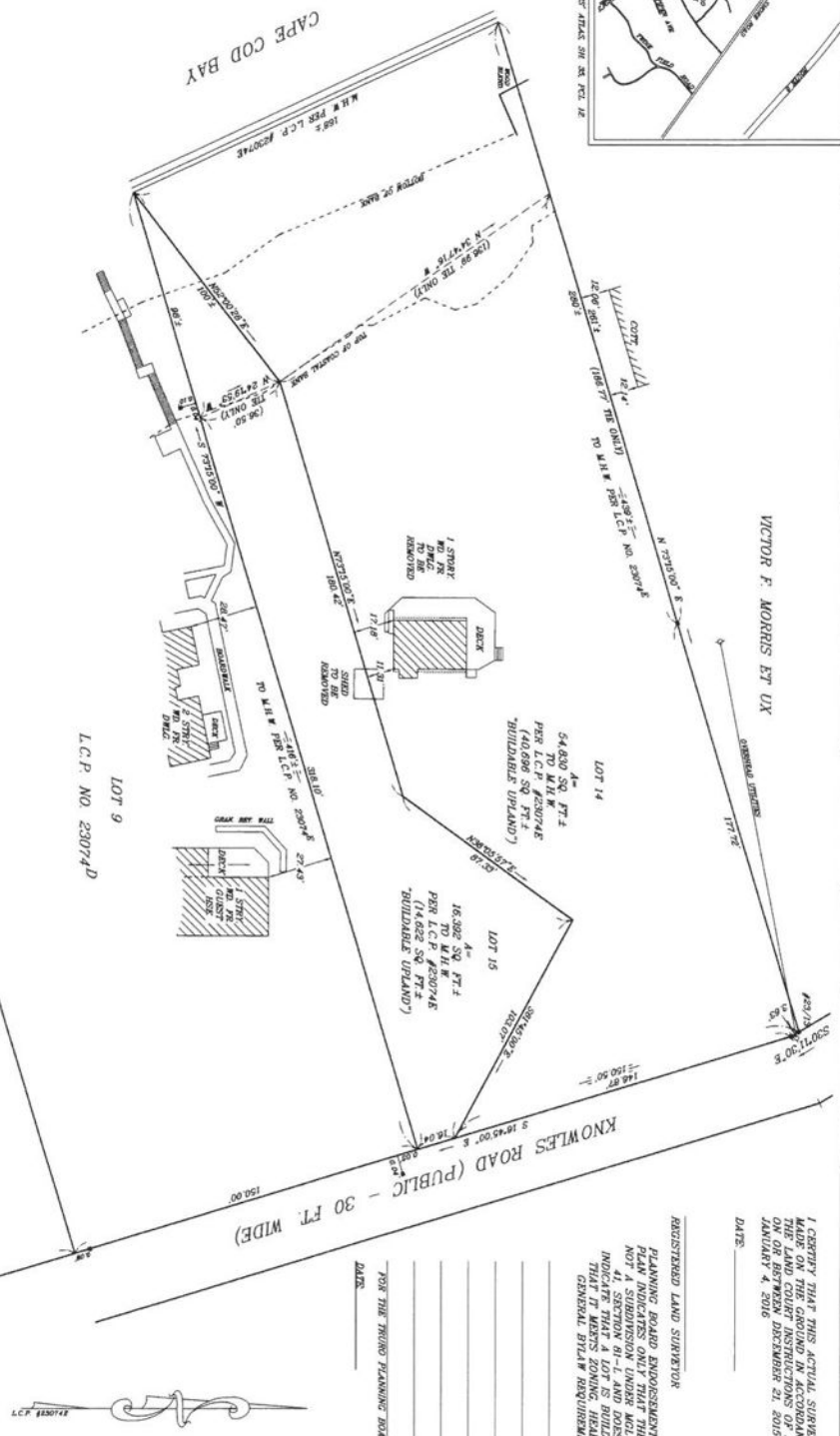
⑈018429⑈ ⑆211371078⑆ 89 5002160⑈

Received of Slade Associates, Inc. regarding Truro Assessors' Atlas Sheet 35, Parcel 12
(Bloomberg)

- 2 Copies of Form A Planning Board Application
- 12 Copies of ANR plan #2016-1
- 1 Check in the amount of \$275.00



Truro Town Clerk
January 7, 2016



PLAN OF LAND IN TRURO
BEING A SUBDIVISION OF LOT 10
AS SHOWN ON L.C.P. NO. 23074 E

SCALE: 1"=50'
JANUARY 5, 2016
SLADE ASSOCIATES, INC., REGISTERED LAND SURVEYORS
10 TINE POINT RD., WELLSFLEET, MA 02667
(508-348-9110)

NOTE: ALL BOUNDING IN GOOD CONFORMANCE WITH NOTES
ALL CORNERS RUN WITH K.O.M. (ACCORDING TO 45M 45PM)
UNADJUSTED FIELD TRAVERSE
PERCESSION = 1.81394 L.C.C. = 0.001
D.C.C. = N 27°28'08" E

ZONING: RESIDENTIAL
OWNERS: JEFFREY C. BLOOMBERG AND STEVEN S. BLOOMBERG
BLOOMBERG FAMILY TRUST
NOTE: LOT 15 IS TO BE COMBINED WITH LOT 9 AND USED AS A SINGLE BUILDING LOT
■ DENOTES DRILL HOLE IN CONCRETE FOUND UNLESS OTHERWISE NOTED

LOT 4
L.C.P. NO. 23074 B

LOT 9
L.C.P. NO. 23074 D

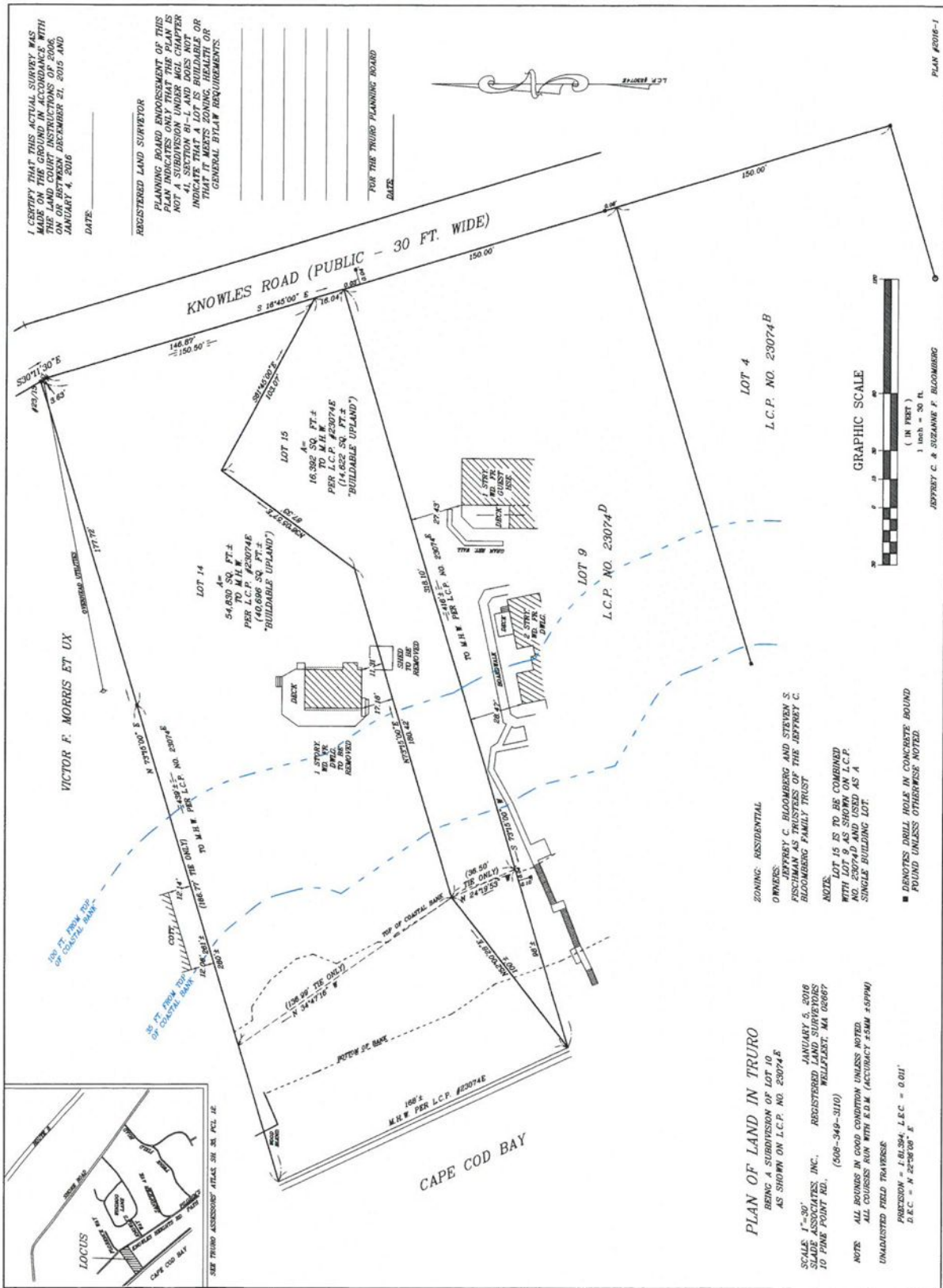
LOT 15
L.C.P. NO. 23074 E

REGISTERED LAND SURVEYOR
PLANNING BOARD ENDORSEMENT OF THIS PLAN INDICATES ONLY THAT THE PLAN IS NOT A VIOLATION OF THE ZONING BYLAW. IT DOES NOT INDICATE THAT A LOT IS BUILDABLE OR THAT IT MEETS ZONING, HEALTH OR GENERAL BILLYW REQUIREMENTS.

FOR THE TRURO PLANNING BOARD
DATE: _____

DATE: _____

PLAN #2016-1



Deed

Doc: 893,718 11-15-2002 11:02

Ct f#: 167285

BARNSTABLE LAND COURT REGISTRY

I, Howard G. Davis, III, of Truro, Massachusetts in consideration of Two Million, Three Hundred Fifty Thousand and 00/100 Dollars (\$2,350,000.00) grant to Jeffrey C. Bloomberg and Suzanne F. Bloomberg, husband and wife tenants by the entirety of 37 Knowles Heights, North Truro, Massachusetts 02652 with **QUITCLAIM COVENANTS**

Lot 9, Plan 23074-D

The land in Truro, Barnstable County, Massachusetts, which is more particularly bounded and described as follows:

Containing an area of about 60,980 square feet and being the same premises shown as Lot 9 on Land Court Plan No 2307D by William N. Rogers, Surveyor, December 1989, which lot is a portion of the premises shown as Lot 3 on Land Court Plan No 23074B and more particularly described in Certificate of title No 48,707 filed with the Land Registration Office of Barnstable County.

Being the same premises conveyed to Howard G. Davis, III, filed with the Barnstable Land Court Registry as Document 696,215 and as noted on Certificate of Title No 144673.

Executed as a sealed instrument this 15th day of November, 2002.


Howard G. Davis, III

Commonwealth of Massachusetts

Barnstable
Suffolk, ss:

On this 15th day of November, 2002, before me personally appeared Howard G. Davis, III, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.


Notary Public

My Commission Expires:

April 22, 2005



REG OF DEEDS
REG # 22
BARNSTABLE

11/15/02 11:09AM 04
000000

FEE \$8037.00

CASH \$8037.00

BARNSTABLE COUNTY
REGISTRY OF DEEDS
COUNTY EXCISE TAX

DATE 11/15/02 FRI

TAX \$5358.00

TOTAL \$5358.00

CASH \$5358.00

CLERK 1 NO.013854

TIME 11:09 2222

Truro 9 23074-D

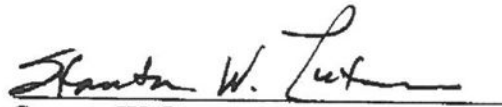
BARNSTABLE REGISTRY OF DEEDS

Stanton W. Putnam, for consideration of One Million Five Hundred Thousand (\$1,500,000.00) Dollars, grants to Jeffrey C. Bloomberg and Steven S. Fischman as Trustees of the Jeffrey C. Bloomberg Family Trust created under Indenture of Trust dated March 19, 1998, with a mailing address of 262 Woodland Road, Chestnut Hill, Massachusetts 02467, for which a Trust Certificate pursuant to M.G.L. c. 184, Section 35 is registered herewith as Document No. 1,055,428 in the Barnstable County Land Court Registry, with quitclaim covenants;

That certain parcel of land shown as Lot 10 on Land Court Plan 23074-E, together with all buildings and other improvements thereon and all appurtenances thereto, such real property being known as 35 Knowles Heights Road, Truro, Barnstable County, Massachusetts. Such conveyance is subject to easements, agreements, and restrictions of record insofar as in force and applicable.

For reference to title see Certificate of Title No. 48,707, filed for registration with the Barnstable Registry District of the Land Court in Book 388, Page 67.

Executed as a sealed instrument as of the 30th day of January, 2007.


Stanton W. Putnam

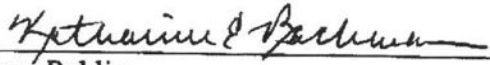
COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss:

January 30, 2007

On this 30th day of January, 2007, before me, the undersigned notary public, personally appeared Stanton W. Putnam, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

MASSACHUSETTS STATE EXCISE TAX
BARNSTABLE LAND COURT REGISTRY
Date: 02-01-2007 @ 12:37pm
Ct#: 747 Doc#: 1055429
Fee: \$5,130.00 Cons: \$1,500,000.00
BARNSTABLE COUNTY EXCISE TAX
BARNSTABLE LAND COURT REGISTRY
Date: 02-01-2007 @ 12:37pm
Ct#: 747 Doc#: 1055429
Fee: \$3,420.00 Cons: \$1,500,000.00


Notary Public
[affix seal]



KATHARINE E. BACHMAN
Notary Public
Commonwealth of Massachusetts
My Commission Expires
January 31, 2008

TOWN OF TRURO

Treasurer - Tax Collector

JAN 14 2016

Received TOWN OF TRURO

By MS**PLANNING BOARD****RECEIVED****Application for Temporary Sign Permit**

JAN 11 2016

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

BY: _____

Applicant Name: Paycom Performing Arts CenterDate: 1/8/16

Applicant Contact Information:

(Kevin Rice) PO Box 1202, Truro, MA 02666
Mailing Address508: 349 2929
Phoneinfo@paycomnet.org
EmailNumber of Signs Requested: 2Temporary Sign Dimensions: Height 48" Width 36"

Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): Rte 6, North of Neans Rd
and Rte 6, South of So. Highland RdMap(s): 39 Parcel(s): 166 Please use additional sheet(s) for multiple locationsDate(s) of the Event in Which the Sign is Intended: SeasonDate When Sign(s) will be Installed: 1/16/16Removed: 2/15/16

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Mike Winkler, PO Box 1110 Truro, MA 02666
Name Mailing AddressMASS State ROW
Phone

Email

Applicant Signature [Signature]Date 1/8/16

Owner Signature (which also authorizes the use of the property)

Date _____

Planning Board Action: **Approved** _____ **Approved w/Conditions** _____ **Denied** _____

Conditions: _____

Board Signature: _____ Date: _____

Title

CC: Building Commissioner, Board of Selectmen

2197

PAYOMET PERFORMING ARTS

CHARITABLE TRUST
P.O. BOX 1202
TRURO, MA 02666



53-7107-2113

P.O. BOX 10
ORLEANS, MA 02653

1/8/2016

PAY TO THE
ORDER OF Town of Truro

\$ ****25.00**

Twenty-Five and 00/100

DOLLARS

Town of Truro

TWO SIGNATURES REQUIRED FOR \$5,000 AND OVER

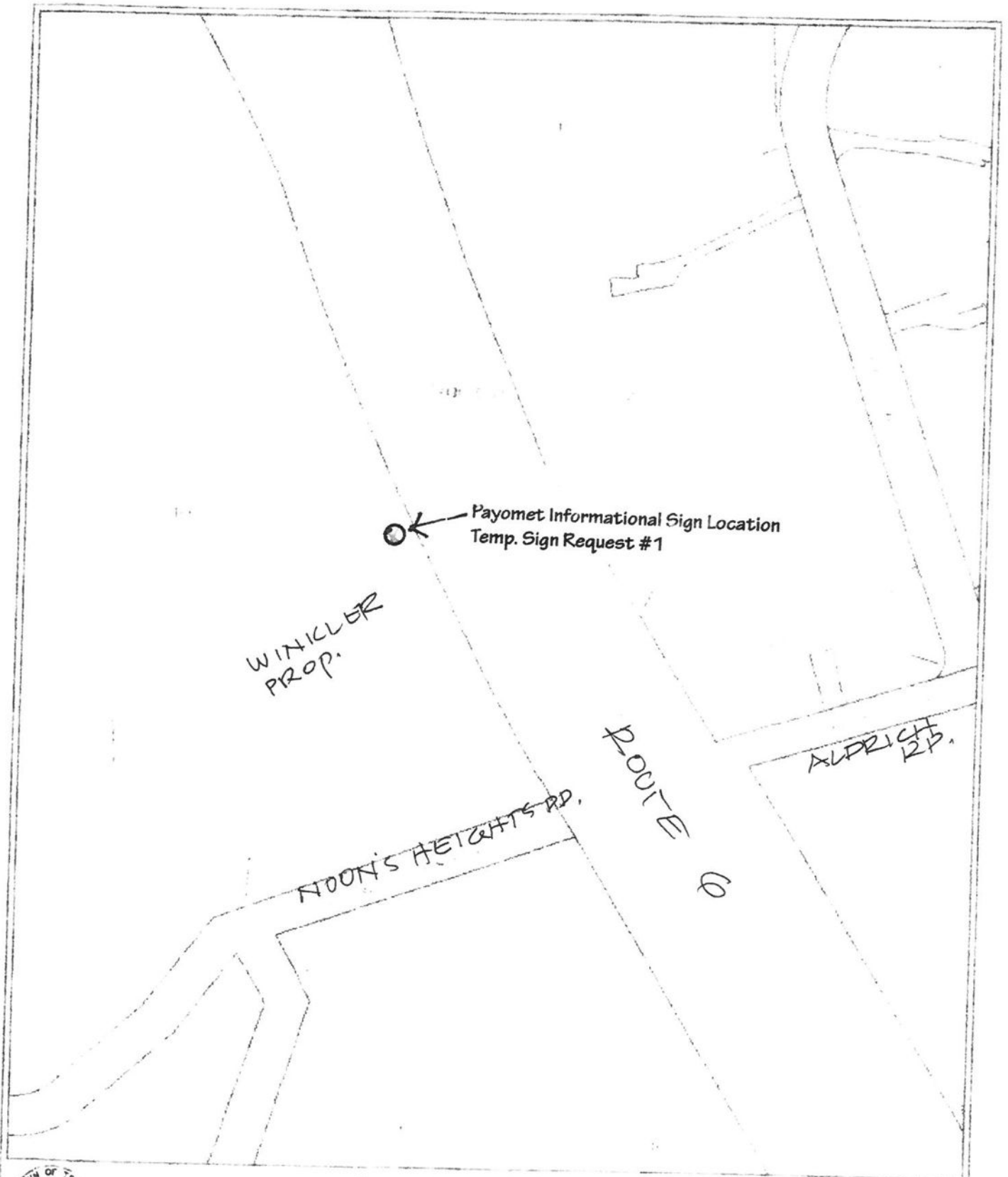
MEMO

Feb/Mar 2016
sign permit application



[Signature]
AUTHORIZED SIGNATURE

⑈002197⑈ ⑆21371078⑆ 89 5006419⑈



Route 6 & Noons Heights Road
Tyng, MA
1 June 2015
Apr. 27, 2015





Payomet Informational Sign Location
Temp. Sign Request #1



Route 6 & South Highland Road
Truro, MA

1 inch = 101 feet
April 27, 2015



Data shown on this map is provided for planning and informational purposes only. The municipality and Cal Tech Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

www.cal-tech.com

ROUTE 6

SO. HIGHLAND RD

PAYOMET

Coming Events:

Text

Text

Two-sided signs

Two locations

Scale: 1" = 1' - 0"

Payomet Performing Arts Center, Truro

TOWN OF TRURO

Office of Town Clerk
Treasurer - Tax Collector

JAN 14 2016

Received TOWN OF TRURO
By MS



PLANNING BOARD

RECEIVED
JAN 11 2016

Application for Temporary Sign Permit

Pursuant to Section 11 of the Truro Sign Code

Fee: \$25.00

BY: _____

Applicant Name: Paycomet Performing Arts Center

Date: 1/8/16

Applicant Contact Information: (Kevin Rice) PO Box 1202, Truro, MA 02666
Mailing Address

508: 349 2929
Phone

info@paycomet.org
Email

Number of Signs Requested: 2

Temporary Sign Dimensions: Height 48" Width 36" Please attach a "to scale" copy of the proposed sign(s).

Location(s) of Proposed Temporary Sign(s): Rte 6, North of Neans Rd
and Rte 6, South of So. Highland Rd

Map(s): 39 Parcel(s): 166 Please use additional sheet(s) for multiple locations

Date(s) of the Event in Which the Sign is Intended: Season

Date When Sign(s) will be Installed: 2/15/16 Removed: 3/16/16

Name and Address of Property Owner(s) Where Temporary Sign(s) to be located:

Mike Winkler, PO Box 1110 Truro, MA 02666
Name Mailing Address

MASS State ROW
Phone

Email

Applicant Signature [Signature]

Date 1/8/16

Owner Signature (which also authorizes the use of the property)

Date

Planning Board Action: Approved _____ Approved w/Conditions _____ Denied _____

Conditions: _____

Board Signature: _____ Date: _____

Title

CC: Building Commissioner, Board of Selectmen

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2196

PAYOMET PERFORMING ARTS

CHARITABLE TRUST
P.O. BOX 1202
TRURO, MA 02666



53-7107-2113

P.O. BOX 10
ORLEANS, MA 02653

PAY TO THE
ORDER OF Town of Truro

\$ **25.00

1/8/2016

Twenty-Five and 00/100 *****

DOLLARS

TWO SIGNATURES REQUIRED FOR \$5,000 AND OVER

MEMO

sign permit application

Jan/feb




AUTHORIZED SIGNATURE

⑈002196⑈ ⑆211371078⑆ 89 5006419⑈

 Security features. Details on back.

Payomet Informational Sign Location
Temp. Sign Request #1

WINKLER
PROP.

NOON'S HEIGHTS RD.

ROUTE 6

ALDRICH
PROP.



Route 6 & Noons Heights Road
Truro, MA
Open 125 feet
April 27, 2018



DATE SHOWN: 12/18/2018 PROVIDED FOR: 12/18/2018 DATE OF: 12/18/2018 BY: 12/18/2018

www.truro.ma.gov



Payomet Informational Sign Location
Temp. Sign Request #1



Route 6 & South Highland Road
Truro, MA

1 Inch = 104 Feet
April 27, 2015



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ROUTE 6

SO. HIGHLAND RD

PAYOMET

Coming Events:

Text

Text

Two-sided signs

Two locations

Scale: 1" = 1' - 0"

Payomet Performing Arts Center, Truro

TRURO PLANNING BOARD

DRAFT

Meeting Minutes

January 5, 2016 - 6:00 pm

Truro Town Hall

Planning Board Members Present: Lisa Maria Tobia; Steve Sollog; Bruce Boleyn; John Riemer; Michael Roderick; Peter Herridge; and John Hopkins

Members Absent: None

Other Participants: Regan McCarthy; Chet Lay, Slade Associates; Bonnie Jean Nuneheimer, Esq.; Bruce Bierhans, Esq.; John McElwee; Dick Seed; Danny Duarte; Carole Ridley, Planning Consultant

Ms. Tobia opened the meeting at 6:01 p.m.

Public Comment Period: The Commonwealth's Open Meeting Law limits any discussion by members of the Board of an issue raised to whether that issue should be placed on a future agenda.

Regan McCarthy, Truro property owner came forward and suggested a resource for obtaining deed restrictions and easements and other historical documents related to property.

Modified Definitive Subdivision Plan Endorsement, Release of Covenant and Acceptance of Surety

2015-011PB Malcolm Meldahl seeks endorsement of a Modification to Definitive Plan for Edgewood Way, approved by the Board on December 8, 2015 and following the expiration of a 20-day appeal period (no appeals were filed). The applicant also seeks a release of covenant recorded at the Barnstable County Registry of Deeds, Book 14422, Page 8, and acceptance of a new security deposit to cover road construction.

Representatives: Chet Lay, Slade Associates, Bonnie-Jean Nuneheimer, Esq.; Bruce Bierhans, Esq.

Ms. Tobia disclosed that she is a member of the Truro Conservation Trust and there was no objection to her participation.

Mr. Lay spoke to the conditions of the Board's December 8th approval of the plan Modification. He provided an update on communications with the Natural Heritage and Endangered Species Program and the status with respect to providing information and determining whether there are any conditions to ensure no take of endangered species. The designated lots have been conveyed to the Truro Conservation Trust.

Ms. Nuneheimer reviewed the release of covenant and work performance guarantee. The guarantee is a cash deposit equivalent to 150% of the cost of the proposed work to be held by the Town Treasurer until the terms of the bylaw are met with respect to release of security.

On a motion by Mr. Roderick and seconded by Mr. Herridge, the Board voted to accept a cash deposit of \$83,680 from Malcolm Meldahl Realty Trust, reference 2015-011PB, in accordance with section 2.5.5c of the Town of Truro Rules and Regulations Governing the Subdivision of Land, as a guarantee of performance of roadways and utilities as shown on a plan entitled "Edgewood Way Supplemental Plan made for Malcolm Meldahl" prepared by Slade Associates and dated September 10, 2015, and in accordance with the Planning Board's conditional approval of said plan, as set forth in a decision filed with the Town Clerk of Truro on December 9, 2015; and further that said cash deposit will not be released by the Town until satisfactory evidence of performance has been demonstrated in accordance with sections 2.5.6 and 2.5.7 of the Town of Truro Regulations Governing the Subdivision of Land, so voted 7-0-0.

On a motion by Mr. Herridge and seconded by Mr. Roderick, the Board voted in consideration of a subsequent modification to definitive plan and associated performance guarantee, to execute form F

Certification of Completion and Release of Municipal Interest in Subdivision Performance Security with respect to the covenant recorded with the Barnstable County Registry of Deeds, Book 14422, Page 8 only, so voted 7-0-0.

On a motion by Mr. Roderick and seconded by Mr. Herridge, the Board voted to endorse a Modification to Definitive Plan for Edgewood Way, conditionally approved by the Board on December 8, 2015 and following the expiration of a 20-day appeal period in which no appeals were filed, so voted 7-0-0.

Preliminary Subdivision Continuance

2015-008PB Secrest Family Trust, seeks approval of a 2-lot preliminary subdivision pursuant to MGL c.41, Section 81-S and Section 2.4 of the Town of Truro Rules and Regulations Governing the Subdivision of Land for property located at 54 Old Kings Highway, Assessors Map 47, Parcels 120 & 20. Continued from November 18, 2016.

Representatives: Duane Landreth, Esq. and John McElwee

Ms. Tobia read a letter from Diane LaFrance opposing approval. Ms. Ridley clarified that all letters are given to Planning Board members and are read into the record upon request.

Mr. Landreth reviewed the subdivision request, the questions raised at the meeting from November 18, 2015 and information provided to the Planning Board to address these questions.

Dick Seed, 37 Outermost Road, came forward to state that Old Kings Highway is a public road but crosses through the National Seashore.

Danny Duarte, 50 Old Kings Highway, reiterated his concern about the difficulty of navigating the road at times and is concerned that approval may set a precedent for bypassing certain zoning requirements. He is opposed.

Regan McCarthy asked for clarification on the impact of the juncture of Higgins Hollow Road and Old King's Highway. She also suggested alternatives to not improving Old Kings Highway. She feels the restriction on the deed is with the land and is intended to be permanent. Ms. Tobia referred to Town Counsel opinion that it does expire in 30 years. Ms. McCarthy disagreed. She also believes that there can be access gained through Union Field. She is very concerned about setting a precedent by allowing alterations to Old Kings Highway.

Attorney Landreth responded to the concerns raised by the public. He reinforced his opinion that the Secrest Family Trust does not have access through Union Field.

Ms. Tobia stated that the issue of the deed restriction is a private matter and not under the purview of the Board. Ms. Tobia also referred to a deed that appears to give a right of way through Union Field Road and suggested the need for a title search to clarify this.

Mr. Riemer would like further exploration of the access through Union Field Road. Attorney Landreth clarified Mr. Riemer's question about frontage and reinforced that the request is for one additional residence. Mr. Landreth further stated that travel on Old Kings Highway does not extend beyond Mr. Duarte's property. Mr. Duarte came forward to disagree stating that there has been increased travel from North Pamet Road direction. Mr. Riemer expressed his concern about safety and setting a precedent for future subdivisions.

Ms. Tobia referred to Town Counsel's opinion that ZBA relief would not be required as the frontage for the Secrest Family Trust does meet the zoning requirements. This was confirmed by Ms. Ridley.

Ms. Ridley also stated that Fire Chief Collins expressed no concerns for safety and fire vehicle access.

Mr. Sollog inquired about the grade and Mr. McElwee stated it is an 8% grade which flattens out at the cul de sac.

Mr. Hopkins asked about how many people own to the center of the road as a way of determining if the access road to the subdivision can handle the amount of traffic based on the number of abutters. He does not feel that the road is adequate and cannot be made adequate. He further stated that he does not see this as a subdivision but a re-division to address some of the historical issues with the property.

Mr. Herridge agreed with the comments made by Mr. Riemer and Mr. Hopkins and is also concerned about the inadequacy of the road in terms of safe access.

Mr. Boleyn also expressed his concern about the safety of the road.

Mr. Riemer moved and seconded by Mr. Herridge that the Board call for a vote for approval of the preliminary subdivision 2015-008PB Secrest Family Trust. Motion did not carry with a vote of 2-5-0. (Mr. Roderick and Mr. Sollog in favor, Ms. Tobia, Mr. Hopkins, Mr. Herridge and Mr. Boleyn opposed, no abstentions).

Ms. Ridley reaffirmed that if there is a denial of the preliminary subdivision, the Board must cite specific reasons. She also noted that a denial would not preclude the applicant from submitting a definitive plan, nor would it bind the Board.

Board members reviewed their concerns around the application. David Seed came forward to express his extreme dismay regarding the Board's concerns as he resides on an unimproved road.

On a motion by Mr. Herridge and seconded by Mr. Riemer, the Board voted 5-2-0 to deny the preliminary subdivision 2015-008PB Secrest Family Trust for the following reasons:

1. The additional traffic from the proposed plan would exacerbate the safety concerns on Old Kings Highway which include a lack of a hardened surface, lack of shoulders, lack of adequate drainage and catch basins, the width of the road does not provide for future improvements such as underground utilities and there is no ability to adequately improve the road
2. Minimum sight distances are not met
3. Massachusetts General Law requires the Planning Board to provide due regard to ensure adequate access, less congestion and compliance with zoning bylaws and coordinate with ways that have a hardened surface when approving subdivisions.

Mr. Roderick, Mr. Hopkins, Mr. Herridge, Mr. Riemer and Mr. Boleyn in favor to deny, Ms. Tobia and Mr. Sollog opposed, no abstentions.

Mr. Landreth requested the Board to also state that one of the reasons for denial was that four of the members believe that access can be gained through Union Field Road despite the affidavit he has provided to the Board. The Board objected to this as a reason for denial and Mr. Boleyn stated for the record that he strongly objected to Mr. Landreth's characterization of his position.

Discussion on Possible Zoning Proposals for 2016 Annual Town Meeting

- Seashore District Zoning
 - Dick Seed 37 Outermost Road is strongly opposed to the proposed and any possible Seashore District zoning changes.

- Ms. Ridley provided a brief summary of the history of the proposed change and status of the proposal.
- Ms. Tobia strongly urged Board members to solicit input from other members in the Seashore District.
- Ms. Ridley suggested a couple of approaches to solicit further input including holding a meeting or holding a public hearing. The proposed draft has not yet been received back from Town Counsel.
- The Board answered Mr. Seed's inquiry as to why the change is being proposed and thanked him for his input.
- Ms. McCarthy, property owner in the Seashore District spoke in support of the proposed bylaw and believes that this shows the need to address the street definition and general house size restriction. She also offered to assist in providing a forum for discussion on this topic if it is a topic that can be postponed until 2017.
- Growth Management Bylaw (Expires 12/31/16)
 - Ms. Ridley reviewed the growth management bylaw and how it has been implemented since 2006. If it is to continue, public hearings would need to be held in February. Mr. Boleyn would like to see a modification to the bylaw and will provide his thoughts to Ms. Ridley. Ms. Tobia would also like to see a statement of purpose added.
- Amendment to Temporary Sign Bylaw
 - Consideration to the size of temporary signs was discussed.

Review and Approval of Meeting Minutes:

On a motion by Mr. Herridge and seconded by Mr. Riemer, the December 22, 2015 onsite visit minutes were approved, so voted 4-0-3 (Mr. Roderick, Mr. Boleyn and Mr. Sollog abstained).

On a motion by Mr. Herridge and seconded by Mr. Boleyn, the minutes from the December 22, 2015 Planning Board meeting were approved, so voted 6-0-1 (Mr. Sollog abstained).

Reports from Board Members and Staff

Planned workshop with Rae Ann Palmer was confirmed for January 14, 2016 at 5:00 p.m.

Ms. Ridley distributed December building permit report and will bring more information forward regarding two other possible other bylaw proposals that were discussed previously at other meetings.

Ms. Tobia requested a follow up to the accessory use discussion. Mr. Sollog requested more information as to how the accessory use is implemented and Ms. Ridley will investigate.

On a motion by Mr. Sollog and seconded by Mr. Herridge, the meeting was adjourned at 8:31 p.m.

Respectfully submitted,

Shawn Grunwald
Recording Secretary

Truro Planning Board Work Shop
Meeting Minutes

DRAFT

January 14, 2016, 5 pm, Public Safety Training Room

Planning Board members present: Lisa Maria Tobia, Steve Sollog, Bruce Boleyn, Peter Herridge, Jack Riemer, John Hopkins. Members absent: Mike Roderick. Others present: Rae Ann Palmer, Carole Ridley. In the audience: Paul Kiernan

The purpose of the workshop was to discuss Planning Board policies and procedures and open meeting law. As a workshop, no public comment or votes were taken.

Carole opened the meeting by stating its purpose as an opportunity to review policies and procedures since regular meetings left little time for this.

Rae Ann noted that workshops are frequently used by the Board of Selectmen and provide a more relaxed setting for considering policy issues. A workshop for the Planning Board seemed timely given the changes in membership, and also transition in staff. She asked the Board what type of staff support it is looking for.

Lisa Maria Tobia asked each Board member to offer comments.

Steve Sollog noted that he wants to know that when an applicant is before the Board they have completed all steps that qualify them to be there, and there are no issues that disqualify them. This type of research is beyond what a volunteer board can do.

John Hopkins noted that he wants applicants to provide thorough historical information on ownership and land rights that relate to the adequacy of access ways. He said that some access-ways are not suited to additional subdivision or ANR, even if they are on the town list of roads.

Rae Ann noted that the Board does not want to get drawn into discussions of private deed terms that are not within their purview. She said the Board's key role is to ensure compliance with zoning.

John concurred, but said that the Planning Board is also responsible for saying "no" to applicants when that is necessary, such as the case of inadequate access.

Bruce commented on a recent event where an attorney tried to characterize Board members' statements, and he took issue with this.

Lisa indicated that many applications have legal questions, and she wants to be sure that the Board's decisions are defensible and do not lead to litigation.

Rae Ann suggested that as much as possible, if there are legal questions, they should be addressed by Town Counsel up front.

Jack noted that the Board is responsible for upholding the subdivision law and must enforce the bylaw as written. He also indicated that he does not want to have late information delivered to the Board at meetings, with no time to review, and he would like to see information distributed to the Board as it comes in, even before packets are put together. He also expressed continuing concern about excessive and unsubstantiated waiver requests, which Peter also mentioned.

Rae Ann and others concurred on not allowing applicants to supply late information, but said that sending information to Board members as it comes in is problematic. She suggested doing more in the way of pre-application meetings with staff to identify information needs and smooth out issues sooner.

The group agreed that packets should be ready no later than Thursday or Friday, and that the Board be updated at each meeting with a list of agenda items on the horizon.

Peter commented that every project seems to have a deep history that is difficult to access, yet often relevant to the Board's deliberation. Rae Ann noted that the Town is developing a coordinated filing system that will compile actions by all town boards for each property.

Rae Ann also touched on some elements of Open Meeting Law.

Follow up items:

Rae Ann will set up a training session with Town Counsel that will focus on recent cases. She will also set up training on open meeting law and how to run a meeting.

Carole will get packets out no later than Friday at noon. Packets not picked up on Friday at Town Hall will be left at the Police Station.

Steve moved to adjourn at 6:10 pm, and Peter seconded. The vote was unanimous.

Respectfully Submitted:

Date:

TRURO

Neighbors say they will challenge Parker Drive permit

By Ian Edwards
Banner Correspondent

TRURO — The Tru-Haven Homeowners Association plans to challenge a building permit, issued Dec. 30 by Building Commissioner Russ Braun, that would allow the owner of a controversial property at 7 Parker Drive to begin the process of converting the lot from commercial to residential.

"We will be filing an appeal" with the zoning board of appeals, said Jennifer Cohen, president of the 43-household association of homeowners abutting and neighboring the property. "We have 30 days to file." Grounds for the appeal are the effects on the community and the road from the change of use.

"We have two basic goals," said Cohen. "One, to ensure that potential damage to the

road will not occur as a result of loss of tree material and changes in grade. Two, that some landscaping plan is put into effect that shields our neighborhood from the industrial development now made visible beyond the property as a result of the wholesale deforestation of the parcel in what is, by design and common intention of all neighbors, a community intended to maintain a rural character. This is especially important as our neighborhood has come under increasing pressures due to the commercial and industrial activities that have increasingly encroached on Tru-Haven over the past five years."

As a longtime "cottage colony," 7 Parker Drive is a commercial property grandfathered in an otherwise residential neighborhood. At present, it comprises a main residence and three cottages.

The newly issued building permit allows the owner, Michael Tribuna, to demolish two cottages — leaving a main residence and a habitable studio on the property — and begin the process of changing the use.

There is also a required septic upgrade before the building commissioner can issue an occupancy permit, which would finalize the change of use from commercial to residential.

"A permit applicant who meets the laundry list of requirements as prescribed in the building code is entitled to a permit," said Braun. "Occupancy is use-based and the certificate of occupancy which memorializes that particular use requires a building permit to initialize the process. Building permits are rarely appealed."

At press time this week, no demolition had begun. With an appeal pending, any work undertaken before the appeal is

resolved would be done at the property owner's risk, said Braun. If the appeal is successful and the ZBA orders that the building permit be revoked, the property owner either accepts the decision or escalates the case to a higher court, he said.

Complications of an appeal aside, the timing of the actual conversion to residential depends on how quickly Tribuna does the work needed to satisfy the building commissioner.

The property came under scrutiny a year ago when Tribuna began clearing trees and adding fill without obtaining the permits required for such work on a commercial lot. That led to a stop-work order from Braun in May and a series of meetings with the planning board and ZBA.

An application for a commercial site plan review, which was required for the work already done, was withdrawn from the

planning board, with prejudice, on Dec. 8. On Dec. 7, the ZBA approved the withdrawal of a separate application from Tribuna to appeal the earlier stop-work order.

A conversion to residential property status would render any earlier violations of the commercial property regulations moot.

"We remain open and hopeful that the owner or his representative will voluntarily reach out to us to address our concerns," said Cohen. "From April of last year on, we have simply wanted to arrive at a compromise that would protect our community while allowing Mr. Tribuna to proceed with his plans despite his initial violations."

Tribuna's lawyer, Christopher Vaccaro, did not respond to a request for information by press time.